

REMARKS

Claims 1, 3, 5-8, 11-17, 19, 23 and 24 are pending (claims 4 and 18 being canceled, and new claims 31 and 32 being added by this amendment).

In the aforesaid Office Action, the Examiner rejected claims 1, 4, 11, 14, 18, 19, 23 and 24 under 35 USC 102(b) as anticipated by Klein et al. (US 5,562,620), and claims 5 and 6 under 35 USC 103(a) as being unpatentable over Klein et al. in view of Reifart et al. (US 2006/0129178), stating, in part, that Klein et al. discloses in Fig. 18 a catheter comprising an inner tubular member (B) defining a first lumen, an outer tubular member (112) forming a second lumen (114), and a side wall (118) extending along an outer surface of the inner tubular member defining a third lumen containing an exchangeable mandrel (120).

However, Klein et al. does not disclose or suggest configuring sidewall (118) to be radially spaced apart from an inner surface of the outer tubular member by the second lumen extending fully around an inner circumference of the outer tubular member as in Applicant's claim 1. Rather, in Klein et al., the sidewall (118) is secured to both an outer surface of outer tubular member (i.e., "pouch" defining portion of (112)), and the inner surface of the portion of outer tubular member (112) defining perfusion lumens (116, 114). The perfusion lumens (114, 116) are supported and formed to be separate from each other by sidewall (118) therebetween, so that there is no motivation to modify Klein et al. to radially space the sidewall (118) from the inner surface of the outer tubular member (112).

Similarly, regarding Applicant's claim 23, Klein et al. does not disclose or suggest a mandrel secured to an outer surface of the inner tubular member and not secured to the outer tubular member. Rather, to the extent the mandrel (120) of Klein within sidewall (118) is secured to the outer surface of the inner tubular member as required by Applicant's claim 23 it is also secured to the inner surface of the outer tubular member (112) unlike the embodiment set forth in Applicant's claim 23.

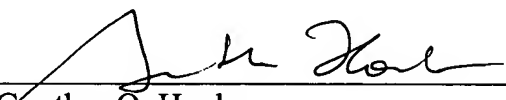
The Examiner rejected claims 1, -8, 11-19 and 23-24 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Application Serial No. 09/470,519, now U.S. Patent No. 6,733,486. However, the Examiner's attention is directed to the Restriction Requirement made in the '519 Application. Applicants respectfully request that the double patenting rejection be withdrawn in view of the Restriction Requirement.

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449, and request that they be considered by the Examiner. This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

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